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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,747	12/11/2003	Francois Noirot-Nerin	17646-122001	8414

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PILLSBURY WINTHROP SHAW PITTMAN, LLP  
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EXAMINER
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KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2192

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/733,747

Applicant(s)

NOIROT-NERIN, FRANCOIS

Examiner

Chuck O. Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. This action is in response to Application filed 12/11/2003.
2. Claims 1 – 37 have been examined and are pending.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims limitations are drawn to software per se. Based on the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility :

“...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...”

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1 – 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Evoy US 6,591,377.

Regarding claims 1, a method for comparing objects comprising:

selecting a first object and a second object, each object associated with an instance of at least one primary parameter and an instance of at least one secondary parameter, each secondary parameter associated with one of the primary parameters (3:35 – 40);

comparing at least a portion of the first object and at least a portion of the second object to identify one or more differences between the selected objects (3:35 - 40); and

identifying at least a portion of the differences as ignorable based, at least in part, on the one or more primary parameters (3:35 – 40, also see FIG. 10A 122 and all associated text).

Regarding claims 2, the method of claim 1, each secondary parameter instance comprising an identifier and a value (FIG. 9B, see Key match and value 110 and 111).

Regarding claim 3, the method of claim 2, each difference selected from the group consisting of the following:

- secondary parameter identifier difference (3:35 – 40, see differences);
- secondary parameter value difference (3:35 – 40, see differences); and
- parameter group difference (FIG. 5, shows different maps for objects and processes and compares the items see 3:35 – 40, which discloses differences).

Regarding claim 4, the method of claim 2, further comprising selecting a subset of the secondary parameters from each object for comparison based, at least in part, on one or more characteristics of each secondary parameter (FIG. 5 and all associated text).

Regarding claim 5, the method of claim 4, wherein comparing at least a portion of the first object and at least a portion of second object comprises comparing the selected subset of secondary parameter instances of the first object and the selected subset of secondary parameter instances of the second object (FIG. 5 and all associated text, also see 10:40 – 63).

Regarding claim 6, the method of claim 5, wherein comparing the selected subset of secondary parameter instances of the first object and the selected subset of secondary parameter instances of the second object comprises:

selecting one secondary parameter instance from each subset, each selected secondary parameter instance comprising a substantially similar name and a unique value (11:32 – 37);

determining a non-potentially dependent portion for each selected secondary parameter instance, the non-potentially dependent portion comprising the value of the secondary parameter instance minus a value of the associated primary parameter instance (10:40 – 63 and 11:20 – 37; see differences);

and in response to, at least in part, each non-potentially dependent portion being substantially identical, identifying the selected secondary parameter instance differences as ignorable (7:48 – 51).

Regarding claim 7, the method of claim 1, the first and second object comprising a first and a second configuration of one software application (3:35 – 40, see first and second collection).

Regarding claim 8, the method of claim 1, further comprising partially restoring the first object based on the second object using at least a portion of differences not identified as ignorable (FIG.6, 83 as interpreted it doesn't describe it to be ignorable since its added to list of collection for comparing).

Regarding claim 9, the method of claim 8, further comprising:

selecting one or more primary parameters to be restored (7:42 – 46); and

selecting a secondary parameter instance from each object, the secondary parameter instance associated with one of the selected primary parameters (FIG.8, see hardware information and objects);

determining a non-dependent portion for each selected secondary parameter instance, the non-dependent portion comprising the value of the secondary parameter instance minus a value of the associated primary parameter instance (7:55 – 60, shows what should be compared); and

replacing each selected secondary parameter instance from the first object with the primary parameter instance from the second object and the non-dependent portion from the selected secondary parameter instance from the first object (7:35 – 40, shows changes, additions and deletions after compares).

Regarding claim 10, the method of claim 1, one of the primary parameters comprising a system or environment variable (7:35 – 40, interpreted as system state objects).

Regarding claim 11, the method of claim 1, each object comprising a database definition object (4:62 – 65, see database definitions).

Regarding claim 12, the method of claim 1, each object comprising a configuration file including at least one path structure parameter (FIG. 5, see registry

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map and registry object for configuration file).

Regarding claim 13, which discloses similarly as the previously cited method claim 1, already addressed. Please see rationale above.

Regarding claim 14, which discloses similarly as the previously cited method claim 2, already addressed. Please see rationale above.

Regarding claim 15, which discloses similarly as the previously cited method claim 3, already addressed. Please see rationale above.

Regarding claim 16, which discloses similarly as the previously cited method claim 4, already addressed. Please see rationale above.

Regarding claim 17, which discloses similarly as the previously cited method claim 5, already addressed. Please see rationale above.

Regarding claim 18, which discloses similarly as the previously cited method claim 6, already addressed. Please see rationale above.



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Regarding claim 19, which discloses similarly as the previously cited method claim 7, already addressed. Please see rationale above.

Regarding claim 20, which discloses similarly as the previously cited method claim 8, already addressed. Please see rationale above.

Regarding claim 21, which discloses similarly as the previously cited method claim 9, already addressed. Please see rationale above.

Regarding claim 22, which discloses similarly as the previously cited method claim 10, already addressed. Please see rationale above.

Regarding claim 23, which discloses similarly as the previously cited method claim 11, already addressed. Please see rationale above.

Regarding claim 24, which discloses similarly as the previously cited method claim 12, already addressed. Please see rationale above.

Regarding claim 25, which discloses the system version of the previously cited method claim 1, already addressed. Please see rationale above.

Regarding claim 26, which discloses the system version of the previously cited method claim 2, already addressed. Please see rationale above.

Regarding claim 27, which discloses the system version of the previously cited method claim 3, already addressed. Please see rationale above.

Regarding claim 28, which discloses the system version of the previously cited method claim 4, already addressed. Please see rationale above.

Regarding claim 29, which discloses the system version of the previously cited method claim 5, already addressed. Please see rationale above.

Regarding claim 30, which discloses the system version of the previously cited method claim 6, already addressed. Please see rationale above.

Regarding claim 31, which discloses the system version of the previously cited method claim 7, already addressed. Please see rationale above.

Regarding claim 32, which discloses the system version of the previously cited method claim 8, already addressed. Please see rationale above.

Regarding claim 33, which discloses the system version of the previously cited method claim 9, already addressed. Please see rationale above.

Regarding claim 34, which discloses the system version of the previously cited method claim 10, already addressed. Please see rationale above.

Regarding claim 35, which discloses the system version of the previously cited method claim 11, already addressed. Please see rationale above.

Regarding claim 36, which discloses the system version of the previously cited method claim 12, already addressed. Please see rationale above.

Regarding claim 37, which discloses the system version of the previously cited method claim 1, already addressed. Please see rationale above.

#### **Correspondence information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

OK 2/5/07